

Senate Bill 492

By: Senators Bulloch of the 11th and Tolleson of the 20th

A BILL TO BE ENTITLED
AN ACT

To amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, so as to specify the level of professional registration required for reviews and certain kinds of applications relating to permits issued by the Environmental Protection Division; to provide that no water withdrawal, water diversion, or water impoundment permit or other permit issued by the director shall be deemed invalid on grounds that any employee reviewing the application was or was not registered or licensed by a professional licensing board; to provide that certain applications for air emission permits must be certified by a professional engineer registered to practice in Georgia; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, is amended in Code Section 12-2-2, relating to the Environmental Protection Division of the Department of Natural Resources, by adding a new subparagraph (c)(2)(E) to read as follows:

"(c)(2)(E) No water withdrawal, water diversion, or water impoundment permit or any other permit, permit amendment, variance, or other approval issued by the director shall be deemed invalid on the grounds that any employee reviewing the permit application was or was not licensed or registered by a professional licensing board as defined in paragraph (3) of Code Section 43-1-1."

SECTION 2.

Said title is further amended in Code Section 12-9-7, relating to the permit required for air emissions, by revising subsection (b) as follows:

"(b) Applications for permits shall be submitted in such manner, on such forms, and contain such information as the director prescribes and which ~~he~~ the director deems

necessary to make a determination of compliance with this article and the rules and ~~regulation~~ regulations promulgated pursuant to this article. The director may develop and require the use of standard application forms and establish evaluation criteria for expeditiously determining the completeness of such applications; provided, however, that the director at a minimum shall establish forms and criteria necessary to comply with the federal act. In addition to any other criteria established by the director, all permit applications shall be accompanied by:

(1) A compliance plan containing such schedules, reports, plans, documentation, and other information as may be required by the rules or regulations promulgated pursuant to this article and such additional information as the director may require to demonstrate a source's or facility's compliance or proposed compliance with the requirements of this article and the rules and regulations promulgated pursuant to this article; ~~and~~

(2) Any and all applicable fees for processing the permit application and any other fee which the source or facility must pay pursuant to this article; and

(3) For those permits that must comply with the technology based standards set forth in the federal act, 42 U.S.C. Sections 7412, 7475, and 7503, as implemented by the rules and regulations promulgated pursuant to this article, a certificate from a professional engineer registered to practice in Georgia stating that he or she is responsible for the required pollution control technology review and that the proposed permit emission limit or limits meet the applicable technology based standards of the federal act, the rules and regulations promulgated under the federal act, and the rules and regulations promulgated pursuant to this article."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.